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August 19, 2004

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Examiner Patrick Nolan      United States Patent and  
Trademark Office      703-872-9306

Group Art Unit: 1644

**OFFICIAL**

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Diane Payne      Akzo Nobel Pharma Patent      302-934-4305  
Department

USSN: 09/744,170

Attorney Docket No.: O-1998.393 US

Please accept the documents which follow in the above-identified application:

Petition Under 37 CFR 1.181 to Correct Application Papers (3 pages)  
Exhibit A Cover Sheet (1 page)  
Fee Transmittal dated May 21, 2004 (1 page)  
Fax History Report dated May 21, 2004 (1 page)

*Intervet*

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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

By: Quinn Osgur  
Date: 8-19-2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
VERHEIJDEN ET AL

Serial No.: 09/744,170 Group Art Unit: 1644

Filed: January 22, 2001 Examiner: Nolan, Patrick J.

For: PURIFICATION OF HUMAN TROPONIN I

**Petition Under 37 CFR §1.181 to Correct Application Papers**

Assistant Commissioner of Patents  
Alexandria, VA 22313

August 19, 2004

Dear Sir:

**I. Introduction**

Applicants respectfully petition the Commissioner to withdraw the Notice of Abandonment and allow the application to be issued as the Issue Fee was timely paid. Further Applicants petition the Commissioner for a patent term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicants or their attorneys. Please charge any required fees and credit any credits to deposit account 02-2334.

Attorney Docket No.: O-1998.393 US

PAGE 2/7 \* RCVD AT 8/19/2004 2:25:37 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID:3029344305 \* DURATION (mm:ss):01:50

**II. Petition****A. Background Facts**

1. On or about February 25, 2004, Applicants attorney received a Notice of Allowance and Fee(s) Due.
2. After getting authorization to pay the issue fee, on or about May 21, 2004, Applicant's attorney, William P. Ramey, III, properly and timely paid the issue fee. The Fee transmittal page, fax cover page and proof of fax page are attached as Exhibit A.
3. On or about August 11, 2004, Applicant's attorney received a Notice of Abandonment from the USPTO. The Notice is dated July 27, 2004. The Notice stated that the reason for abandonment was Applicant's failure to pay the issue fee.

**B. Argument and Request**

Applicant, by and through its attorney, William P. Ramey, III, assert that they have properly and timely paid the issue fee, the proof of which is attached as Exhibit A. There is no question that Applicant's attorney transmitted the issue fee, by facsimile on May 21, 2004. A Certificate of Transmission dated May 21, 2004 and signed by William P. Ramey, III is on the issue fee transmittal. The issue fee transmittal authorized the Director to charge Deposit Account 02-2334 for the issue fee. Lastly, the authorized signature of William P. Ramey, III is on the issue fee transmittal.

In light of this evidence, Applicant respectfully requests that the Patent Office withdraw the holding of abandonment, restore the term of the patent for the time lost during this incorrect holding of abandonment, and allow the case to issue. The issue fee was properly and timely paid.